

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/808,224	SCHUBERT, WALTER	
	<b>Examiner</b>	<b>Art Unit</b>	
	Khatol S. Shannan-Shah	1645	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendments of 1/19/2005.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |                                                                                                                     |                                                                                        |
|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)                                                    | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|                                                                                                                     | 9. <input type="checkbox"/> Other _____.                                               |

*ve*

***Attachment to notice of allowance***

1. Applicant's Notice of appeal filed 01/19/2005 is acknowledged.
2. Applicant's amendment after notice of appeal filed 01/19/2005 is acknowledged.

The amendment has been entered. Claims 1 and 12 have been amended. The amendments have support in the specification and no new matter has been presented. Specification page 1 has been amended to remove a certificate of mailing stamp.

3. Applicant's terminal disclaimers filed 01/19/2005 are acknowledged. The terminal disclaimers have been approved by the office.

***Status of the Claims***

4. Claims 1-15 are pending and under consideration.

***Objections/Rejections Withdrawn***

5. Objection to the specification in regard to express mail sticker made in paragraph 5, of the office action mailed 10/01/03 is withdrawn in view of applicant's amendment.
6. Rejections of claims 1-15 under judicially created doctrine of obviousness –type double patenting, made in paragraphs 8 and 9 of the office action mailed 10/01/03 are withdrawn. Applicant has filed two terminal disclaimers to overcome these rejections.

***Reason for Allowance***

7. Claims 1-15 are allowed.

The following is an examiner's statement of reasons for allowance:

Claims are drawn to:

A process for identifying cell-specific target structures, the process comprising

the following steps:

- (a) automatically depositing a reagent solution Y1 that includes at least one marker molecule on an object X1 which contains cells and/or cell membranes originating from a cell or tissue sample;
- (b) allowing the reagent solution Y1 to react, and automatically detecting at least one marker pattern of the object X1 labeled with the reagent solution Y1;
- (c) removing said reagent solution Y1 before or after detecting the marker pattern, and repeating steps (a) and (b) with further reagent solutions Yn (n = 2, 3, N) each containing said at least one marker molecule, at least another marker molecule, or both;
- (d) combining the marker patterns detected in step to give a complex molecular combination pattern of object X1;
- (e) repeating steps (a) to (d) with at least one further object Xn (n = 2, 3, N) containing other cells and/or other cell membranes that originate from a different cell or tissue sample;
- (f) determining at least one difference between the combination pattern of object X1 and that of object Xn;
- (g) identifying at least one reagent solution Y1 or Yn whose marker pattern causes the difference determined in step (f);
- (h) selecting molecules or molecular complexes bound by at least the one marker molecule of the reagent solution Y1 or Yn identified in step (g) from a homogenate of cells and/or cell membranes originating from the cell or tissue

sample of the object Xn differing as determined in step (f); and  
(i) biochemically characterizing the molecules or molecular complexes selected in step (h).

The prior art fails to teach such process and its particular steps.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

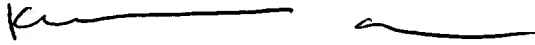
### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khatol S Shahnian-Shah whose telephone number is (571)-272-0863. The examiner can normally be reached on 7:30am-4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette F Smith can be reached on (571)-272-0864. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

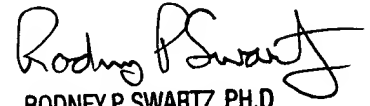


Khatol Shahnan-Shah, BS, Pharm, MS

Biotechnology Patent Examiner

Art Unit 1645

March 6, 2005



RODNEY P. SWARTZ, PH.D.  
PRIMARY EXAMINER